



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044

7590

09/23/2005

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 CONNECTICUT AVENUE, N.W.,  
SUITE 600  
Washington, DC 20036

EXAMINER

CHEN, CHONGSHAN

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,550

Applicant(s)

NAKANO ET AL.

Examiner

Chongshan Chen

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 5 and 7-9 are pending in this Office Action.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 21, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al. (hereinafter "Cupps", US, 5,991,739) in view of Maekawa et al. (hereinafter "Maekawa", US 6,040,824).

As per claim 7, Takaya discloses a service providing area retrieval system (Cupps, Fig. 1) comprising:

a retrieval site connected to a computer network (Cupps, Fig. 1 & 2), said retrieval site comprising:

retrieval server (Cupps, Fig. 1, col. 3, lines 49-56, "...the online ordering machine 106 is a server computer ..."),

retrieval database storing data on genres of handled merchandises and service providing areas of registered shops (Cupps, col. 8, lines 64-67, "the order database 128 contains information such as the operational time of a vendor, ..., the categories of the food products served, and the like") and

a registered shop database storing service request data of each shop registered for the retrieval database (Cupps, col. 5, line 27 – col. 8, line 17),

wherein said retrieval server of said retrieval site retrieves shops whose genres of handled merchandises from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site and whose service providing area from said retrieval database includes a destination entered at the information terminal connected to said retrieval site, retrieves the service request data of the selected shop from said registered shop database, and displays the service request data on the information terminal, and then after an entry for requesting a service based on the service request data, sends the requested service contents to the selected shop (Cupps, Fig. 7 – 12C, col. 2, lines 20-67, "the online ordering machine provides the customers with product information from various vendors whose delivery range is within the customer's location ... the online ordering machine accepts orders from the customer for a particular product from a selected vendor ..."), and

wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said

Art Unit: 2162

service request data based on the retrieved user information (Cupps, Fig. 12A-12C, Repeat Customer, Enter login name and password below; New Customer, Register now to begin ordering, col. 5, lines 29-35, “a customer table have an entry for each customer that tenders an order to the online ordering machine ...”).

Cupps does not explicitly disclose a map database site connected to the computer network, said map database site comprising: map server, and map information database storing map image data, and displays a map image on which the destination and retrieved shops are respectively indicated with landmarks. Maekawa teaches a map database site connected to the computer network, said map database site comprising: map server, and map information database storing map image data, and displays a map image on which the destination and retrieved shops are respectively indicated with landmarks (Maekawa, Fig. 4-Fig. 15C, col. 7, line 9 – col. 8, line 61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cupps by incorporating the map system of Maekawa. The motivation being to generate and display a travel route between the places, and display the shops with landmarks on the map so that the user can easily recognize at a glance the location of the shop of the selected type (Maekawa, col. 1, lines 23-30).

As per claim 8, Cupps and Maekawa teach all the claimed subject matters as discussed in claim 7, and further teach an entry of the destination of the provided service on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site (Maekawa, Fig. 4-Fig. 15C, col. 7, line 9 – col. 8, line 61).

Art Unit: 2162

Claims 9 and 5 are rejected on grounds corresponding to the reasons given above for claims 7-8.

*Response to Arguments*

5. Applicant's arguments with respect to claims 5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.


*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen  
September 17, 2005

  
JEAN M. CORRIELLUS  
PRIMARY EXAMINER